Mr. PRESIDENT.—Government are not legal advisers.

Mr. K. HANUMANTHIAH.—Have not members of the depressed classes been allowed access to the Palace?

Mr. PRESIDENT.—The Palace is quite different from temples.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—Are the Government aware that the Travancore Government have passed orders setting immemorial custom at naught?

Mr. PRESIDENT.—That is not a supplementary question.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—Have the Government any idea of advising His Highness the Maharaja of Mysore also to do likewise?

Mr. PRESIDENT.—Same answer.

The Assembly adjourned for lunch at 3 p.m. and reassembled at 3.30 p.m.

GOVERNMENT BUSINESS—BILLS—*contd.*

16. The Mysore Cotton Control Bill.

The SECRETARY to GOVERNMENT, GENERAL DEPARTMENT (Mr. J. Appaji Gowda) explained the principles of the bill as follows:—

In the major cotton tracts in India there is legislation controlling the cultivation and transport of inferior cotton so as to safeguard the quality and reputation of the cotton grown in particular tracts. The Cotton Transport Act of 1923 provides for the prohibition of import of cotton or any specified kind of cotton into any 'protected area' notified under the Act. The Madras Cotton Control Act of 1932 and the Bombay Cotton Control Act of 1935, prohibit the cultivation of specified varieties of inferior cotton in 'controlled areas' notified under the Act. Similar legislation has been introduced in some other provinces also.

In Mysore there is no such legislation at present and the cultivation of a very inferior short-staple cotton known as Bokda cotton is being started for adulteration with the medium staple cotton grown in Chitaldrug. It is therefore necessary to introduce legislation to prohibit the cultivation and transport of inferior cotton to controlled areas. In new areas like the Irwin Canal area where very superior cotton is being grown under irrigation, it is necessary to safeguard the purity of the varieties of cotton grown. Hence the necessity to control the construction of ginning and pressing factories by the issue of licenses.

In the proposed Bill all necessary provisions relating to the prohibition of cultivation or transport of specified varieties of cotton and the licensing of ginning factories have been made.

He added that this was not a novel measure, but had been introduced in all the Provinces and States where cotton was being grown extensively. This was particularly necessary now because Government were growing superior cotton over an extent of 3,000 acres in the Irwin Canal area and were likely to extend the area still further.

Mr. SHAIK AHMED SAHIB enquired if the object of the measure was to prevent the import of inferior cotton into the State, and if this was done, whether the superior cotton grown in the State would be sufficient to meet the requirements of the State.

Mr. J. APPAJI GOWDA replied in the affirmative to the former question. As regards the latter, he said that attempts would be made to extend cultivation to the extent necessary for meeting all the local demand.

In view of this assurance, **Mr. SHAIK AHMED SAHIB** whole heartedly supported the measure.

Mr. Bhupalam R. CHANDRASEKHARAYYA pointed out that two things were involved in the bill. The first related to the safeguarding of the purity of the Mysore cotton by preventing the importation of inferior varieties of cotton from outside, as well as by controlling the cultivation of inferior strains of cotton in the State itself. That was indeed a laudable object. But there was another restriction imposed, *viz.*, that for starting ginning factories, licenses should be obtained. Thus, even the ginning factories would be subject to control by Government. On that account, there was room for the people

to entertain the fear that just like sugarcane cultivation in the Irwin Canal area, a monopoly might be created in respect of cotton cultivation also.

The MINISTER for REVENUE and FINANCE (Rajamantrapravina K. V. Anantaraman) replied that there was no basis for any such apprehension.

The DIRECTOR of AGRICULTURE (Rajasevaprasakta T. G. Rama Iyer) explained that control of ginning factories also had been thought of for very good reasons. Some 2 or 3 years ago, owing to unhealthy competition, some of the factories were ginning cotton at very cheap rates and sometimes even free of all charges, just as buses sometimes carried passengers free. It was with a view to prevent such situations that licensing of these factories had been thought of. Their work would be regulated by rules, the places where ginning factories might be located would be defined and the sources of supply to them also would be specified. This did not necessarily mean that there would be only one licensed factory Licences would be given to as many factories as necessary.

Mr. Bhupalam R. CHANDRASEKHARAYYA enquired as to the necessity of controlling ginning factories if the object of the Government was only to maintain the quality of cotton, and whether the proposed law would apply to the existing ginning factories also.

Mr. T. G. RAMA iYER replied that control over ginning factories also was necessary with a view to prevent adulteration. But the law would not be applied to all the factories in the State. Licences should have to be obtained only in the case of factories to be opened in or near the "controlled areas." A perusal of clause 3 of the bill would make this point clear. As was stated by the General Secretary to Government, this was not a new measure at all. A similar Act was introduced by the Government of India so long ago as 1923, and was in force ever since. A similar Act was introduced in Bombay in 1935; in Madras in 1932, and in all other Indian States also where cotton was grown extensively, *viz.*, Hyderabad, Baroda, Gwalior, etc. To maintain the quality of cotton such a law was necessary.

Thereupon the principles of the bill were put to vote and passed unanimously.

No. 3. The Air Raid Precautions Services Bill.

The CHIEF SECRETARY to GOVERNMENT (Rajasevaprasakta B. T. Kesavaiengar) explained the principles of the bill as follows:—

The progress of the war has indicated the imperative need and urgency of taking steps to protect persons and property in India against hostile attack, particularly from the air. The constitution of a service specially constituted and trained for this purpose is necessary for effecting such protection, in the event of such attack.

An officer of the Mysore Government was deputed for training in air raid precautionary measures under the Government of India and has returned after such training. It is further expected that members of the Civic Guards, wherever in Mysore they could be so spared, will be trained under the present scheme of precautions against attack from outside.

In order that the members of the service may be given adequate powers to act and protection in regard to any action they may take in the course of their duty, an Act is necessary. As the matter was urgent, an Emergency Act was promulgated in August 1941.

As the Emergency Act will, by efflux of time, expire six months after promulgation and the Air Raid Precautionary Service may have to continue even thereafter, the present Bill has been brought forward.

Mr. S. N. M. RAZVI said that there were two clauses in the bill, *viz.*, 4 and 8, which related to punishments. Clause 4 provided for the summary dismissal by the Controller or any other person authorised, of a person or persons who failed to discharge their duties satisfactorily or were guilty of misconduct in the discharge of their duties as members of the air raid service; but under clause 8, any person neglecting

or refusing to obey any lawful order or direction given to him, would, on conviction by a competent court, be punishable with fine which might extend to Rs. 50. The penalty was too severe. Even as matters stood, people were hesitating to join the service. In such a circumstance, the desirable course to adopt would be to encourage people to enlist themselves as members of the force and give them the necessary training, and not scare them away with penalties and punishments. Another point to be borne in mind was that this was to be a voluntary service by the people. Under the proposed law, the Controller's orders seemed to be final; and there was no chance for the persons concerned to appeal against his decisions. In these circumstances, he thought that the penalty provided in clause 4 was sufficient for all purposes and that clause 8 was unnecessary.

Mr. N. RAMA RAO said that the previous speaker did not seem to have understood the scheme of the bill correctly. Two different kinds of irregularities or offences were contemplated in clauses 4 and 8. People willing to join the A.R.P. service must be hale and healthy and above all they must be imbued with patriotic feelings. Only such people were fit for this important service. But after enlistment as members of the service, if any person or persons were found to be not strong enough to carry on the duties expected of them or wanting in patriotism, they must be dismissed from the service. There was no good having such people in the service, because they would not be of help in times of emergency. It had to be borne in mind that this service was being organised to save life and property in times of emergency such as air raids. For this purpose, training and discipline on the part of the members were necessary. This was a war-time measure and the members of the service must be prepared to carry out the directions given to them for the performance of their duties, even at the risk of their lives, and in no circumstances neglect or refuse to do their duty. The members must feel that their country and the lives of their countrymen were more precious than their own lives and since they were not going to be actively engaged in the war, they would be in a position to save the lives and properties of other people in case of air raids, etc. And if at such times they refused to discharge their duties, having promised to discharge them, they deserved to be severely punished. The penalty provided in the bill for such dereliction of duty must be heavy indeed. In other countries, people committing such offences were being court-martialled. Compared with that, the penalty provided in the proposed measure could in no way be characterised as too stringent. If anything, it was lenient considering the loss of life and property that might result from neglect or refusal on the part of the members of the service to discharge their duty when it was most needed.

On the whole, he felt that the various clauses of the bill were well conceived. If any amendment to the bill was needed, it was only in the direction of making the punishment under clause 8 more rigorous than at present. But this being the initial stage, the penalty proposed in the bill, which was the minimum that could be thought of, might remain. He hoped that the entire House would support the measure.

Mr. Bhupalam R. CHANDRASEKHARAYYA said that the principles of the bill were such that all the members ought to accept them, more especially because the war was fast approaching Indian shores. But his firm convicition was that without the equipment necessary for air raid precautions such as gas-masks, anti-air-craft guns, etc., the mere formation of an A.R.P. service would be of no practical use. So far as this State was concerned, it was in an utterly helpless condition. One enemy plane was sufficient to strike terror in the minds of all people and make them surrender at once. There were no air raid shelters for people to resort to during raids; nor were there any other protective devices. There were large

industrial concerns, huge reservoirs, stately buildings such as Palaces, temples, etc., rich in architecture. Action was urgently called for to protect them from raids. If Government promised to do the needful in the matter, and if they trained the people to take up the necessary defence measures, then the House would whole-heartedly support the measure. Otherwise, it would not be worth the while of the House to pass it. In such a case, people would know that they should stand on their own legs and take such action as they could to defend the country and protect life and property by forming themselves into peace brigades of the type contemplated by Mahatma Gandhi and face the enemy as best as they could. If the Government could shoulder the responsibility of taking all necessary steps, the House would support the bill; otherwise it would throw the bill out.

Mr. Khaji SYED YUSUF SAHIB, in supporting the measure, said that it had not been introduced a day too soon. As pointed out by Mr N. Rama Rao, the punishments provided under Clauses 4 and 8 were very reasonable. He hoped that Mr. Razvi had understood the implications of the two sections after the clear explanation of Mr. N. Rama Rao.

Referring to Mr. Bhupalam Chandrasekharayya's remarks that unless all air raid precautions and equipment were provided, there was not much use in introducing such a measure, the member said that if the Government felt so, they would surely provide the necessary equipment. Meanwhile, there was nothing wrong in introducing the measure and organising the service. To say that until all the equipment was provided, the service need not be organised, would not be a sound argument. The present was the most opportune time for taking action as proposed.

Mr. JATHARE NAIK also supported the measure. The punishments provided in the bill, he said, were quite reasonable. The members of the service were expected to respond to the call of duty at the time of need and if they failed to do so, they would be no better than hunting dogs which were away just when the game was in sight. Such people deserved to be severely dealt with.

Mr. T. M. KHAN brought to notice that in the Civic Guards Act there was provision for a member of the service, if he did not want to continue in the service, to resign after giving 15 days' notice to the Deputy Commissioner. There was no such provision in the bill before the House so that once a person got himself enrolled in the A.R.P. service, he could not get out of it. He therefore requested that a provision similar to that in the Civic Guards Act be introduced in the bill under discussion. He also added that the punishment provided in clause 8 might be done away with.

The MINISTER for REVENUE and FINANCE (Rajamantrapravina K. V. Anantaraman) observed that if the punishment provided in clause 8 was deleted, any member could with impunity desert the force when his services were most needed.

The MINISTER for LAW (Rajasevaprasakta A V. Ramanathan) explained that in the rules framed under the Act (and published on page 540 of the *Mysore Gazette* dated 25th September, 1941) there was provision for a member to resign from the force after giving 30 days' notice.

Nawab SHER KHAN of Honnali said that there could be no two opinions about the desirability of introducing the measure at the present moment. In fact, this should have been introduced much earlier. There were in the State large industrial concerns and costly buildings, etc., which required to be protected. No doubt, civic guards had been organised in the State but their numbers were not sufficient yet. They required to be strengthened. He assured the Government that anything they did in the direction of safeguarding the lives and properties of people, as well as the industrial and other concerns, costly buildings and works of art would have the whole-hearted support of the House.

Mr. K. CHENGALARAYA REDDY stated that members of the Congress

party would neither support nor oppose the measure before the House.

The PRESIDENT wondered whether this was a matter of such indifferent interest for anybody.

Mr. S. I. MUMTAZ thought that it would only be fair to those whom it was proposed to enlist in the A. R. P. service, that the penalties provided for under clauses 4 and 8, should be explained to them in advance.

The PRESIDENT said that for each town, there would be a scheme and the details thereof would be explained to the people in detail and in advance.

Mr. S. C. MALLIAH said that he had not proposed to speak on the measure, but the attitude of the Congress party was now inducing him to say a word or two. This was an important measure which deserved the support of the entire House. But the Congress party which had the largest following in the House had decided to be neutral. It was due to the House that the reason for such an attitude on their part should be explained.

Mr. N. RAMA RAO said that that question did not arise.

Mr. S. C. MALLIAH said that it was the duty of the Congress party also to explain their views plainly and say whether the measure was good or not and, if it was good for the country as a whole, to wholeheartedly support it just as they had done in the case of the Labour Bill.

Mr. K. CHENGALARAYA REDDY explained that it was not the intention of the party not to participate in the discussion. If that were so he would not have risen to say anything. All that he meant to say was that members of his party were neither over-enthusiastic about the measure nor opposed to it. They would therefore remain neutral.

The PRESIDENT observed that it was not early to understand the subtle difference sought to be drawn by the member between participation in discussion and non-participation in voting.

Mr. K. CHENGALARAYA REDDY hoped that the Government were fully aware of the reasons why the party assumed this attitude.

The principles of the bill were put to vote and passed, only the members of the Congress party remaining neutral.

4. The Mysore Coffee Market Expansion Bill—*contd.*

Mr. M. ABDUL AZIZ brought to notice that copies of Bills had reached the members only 3 or 4 days before they left their place; that as the planters had not enough time to hold a meeting and come to some understanding in the matter, they held a meeting only that morning wherein it was decided that Government be requested to postpone its discussion till the following Monday. He requested Government to give them time accordingly to study the various clauses of the measure.

Mr. Moktesar Patel DYAVAPPA GOWDA supported the request.

In compliance with the above request, the discussion on the bill was put off till Monday, 6th October 1941.

5. The Mysore European British Subjects Reinstatement (Amendment) Bill.

The SECRETARY to GOVERNMENT, LAW DEPARTMENT (**Mr. H. V. Narayana Rao**) explained the principles of the bill as follows:—

In order that a statutory liability may be cast on an employer in Mysore, of a European British subject who was employed by him but called up for national service in the armed forces of the Crown or in civilian employment, to reinstate him at the termination of such national service, an Act has been passed in July called the Mysore European British Subjects Reinstatement Act (XVI of 1941). This Act supplements the National Service (European British Subjects) Act, 1940 of the Indian Legislature.

In June 1941 an Ordinance has been promulgated in British India making certain amendments to the British Indian Act noticed above. Certain amendments have been thereby rendered expedient in the Mysore Act XVI of 1941 and the present Bill seeks to

incorporate them. The main changes proposed are briefly—

(1) to provide for reference to a tribunal which has to decide, *inter alia*, questions relating to reinstatement, even those cases where an employer refuses to, or denies his liability to reinstate a European British subject. The existing provision limits such references only to cases where an employer represents that such reinstatement is impracticable; and

(2) to prevent an employer from evading his liability to reinstate by terminating the services of an employee prior to his being actually called up, by making the liability attach even in such cases.

Mr. A. SRIKANTIAH, while generally agreeing with the principles, said that if persons returned from the battle-field in their original condition, there could be no objection to their being reinstated. But if they were disabled, he did not know of what use they could be to the employer concerned.

The MINISTER for LAW (Rajasevaprasakta A. V. Ramanathan) replied that all such questions had been already thought of. There would be a tribunal to consider whether a person was fit for reinstatement or not.

Lokasevaniratha BALE SIDDALINGA SETTY enquired if Indians going to war also would be shown similar concessions on their return home.

Mr. A. V. RAMANATHAN replied that the measure was intended to deal only with the cases of European British subjects compulsorily called to the front. There were separate rules governing the cases of Indians.

Mr. B. R. PUTTANANJAPPA brought to notice that when the main bill was last discussed, members of the House had expressed the view that as the tribunal which would have to decide whether a particular man was fit for reinstatement or not was going to be a body to be constituted by the Government of India, it was not right that such an outside agency should exercise jurisdiction over subjects of the State. The Government promised to examine that point. But it was not clear even now, whether an independent tribunal was going to be constituted for examining questions relating to subjects of the State.

Mr. A. V. RAMANATHAN explained that the same point was discussed in the Legislative Council also. A number of Acts were mentioned to the members and the difficulties in the way of adopting the suggestion were also explained. Thereupon the Council agreed that the bill as proposed might be passed. It was then promulgated into law. No useful purpose would be served in discussing it over again. Secondly, European British subjects were being drafted for war service under the orders of the Government of India; when they had the power to draft employees for war purposes withdrawing them from their particular avocations, naturally they should have the power to reinstate them on return. And as regards their physical fitness, etc., there were special tribunals to consider them. Thirdly, in many other enactments also the principle of having outside agencies as tribunals had been accepted. For these reasons, he hoped that the House would accept the measure under discussion.

The principles of the bill were put to vote and passed unanimously.

6. The War Donations and Investments (Companies) Bill.

The SECRETARY to GOVERNMENT, LAW DEPARTMENT (Mr. H. V. Narayana Rao) explained the principles of the Bill as follows :—

When the Memorandum of Association of a company does not authorise donations to war funds, the Company cannot make such donations nor can the Memorandum be altered under the existing law so as to make such contributions possible. The purpose of this Bill is to enable a company notwithstanding any legal impediments of this character, to make any contribution it wishes to war funds. Provision is also made to enable a company to invest its assets in the war funds. Retrospective validation of any action of the kind

already taken by a company since the outbreak of the war is also provided for. The measure is a purely enabling one and casts no obligation whatever on a company to invest or donate, as the case may be, to war funds. A similar bill has been passed in British India.

Mr. K. CHENGALARAYA REDDY stated that there was nothing in the bill to make donations compulsory. All that was proposed was to make provision for voluntary contributions for war purposes, which was unobjectionable. The Congress party would remain neutral in respect of this bill also.

The principles of the bill were then put to vote, and passed, only the Congress members remaining neutral.

7. The Code of Civil Procedure (Amendment) Bill.

The SECRETARY to GOVERNMENT, LAW DEPARTMENT (Mr. H. V. Narayana Rao) explained the principles of the Bill as follows :—

The question arose recently whether, in the absence of provisions in the Mysore Code of Civil Procedure corresponding to section 84 of the British Indian Code, the Government of India had, in Mysore, the right of suit to enforce a private right. In order to set at rest possible doubts in the matter, it is considered expedient to make provisions in the Mysore Code of Civil Procedure in this behalf and also in regard to filing of suits against that Government in Mysore Courts similar to what is contained in the British Indian Code. The present bill is intended for this purpose.

Mr. KADIDAL MANJAPPA GOWDA enquired whether there were any difficulties in the way of the Government of Mysore filing suits in British India if and when necessary. If there were any, he suggested that opportunity might be taken to overcome those difficulties also.

Mr. H. V. NARAYANA RAO replied that that had been separately provided for.

Nawab SHER KHAN referred to clause 86 and enquired why if subjects of Mysore State wanted to sue the Government of India in a Mysore Court, there should be the restriction of a certificate issued by a Secretary of the India Government, while as per clause 84 the Government of India could resort to any court in Mysore without any such restriction.

The PRESIDENT explained that 'Government,' in line 2 of clause 86 (1) meant the Government of Mysore.

Mr. B. S. CHANDRASEKHARA RAO pointed out that any subject of the Mysore State could sue the Government of Mysore without having to obtain a certificate. But according to the bill, a certificate had to be obtained from a Secretary to the Government of India before a suit against that Government was filed. This would be a ridiculous procedure. He thought that a mere notice, as in all other suits, ought to be quite enough. No where in the world was it the practice to take the consent of a defendant before a suit was filed against him.

Mr. K. CHENGALARAYA REDDY did not believe that full reciprocity between the two Governments had been provided for in the Bill. Because, while the Government of India could sue in any Court of Mysore without the consent of the Government of Mysore, subjects of the Mysore State could not sue the Government of India even in a Mysore Court, without such consent.

The PRESIDENT explained that the provision in the British Indian Civil Procedure Code exactly corresponded with the provision as now proposed.

Mr. K. CHENGALARAYA REDDY asked whether a certificate was necessary if the Government of Mysore wanted to sue any one in British India with a view to enforce their private right.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) replied in the negative.

Mr. K. CHENGALARAYA REDDY agreed that in that case there was a sufficient measure of reciprocity. But even then he was of opinion that this must be made clear in the Act itself. He then asked whether a private party in British India should, before suing the Government of Mysore, take the

consent of the Government of Mysore or not.

Mr. A. V. RAMANATHAN explained that the whole thing went on the basis that the provisions should be identical in Mysore and in British India. If it was not so, Government would either modify the provisions of the bill similarly or take up with the Government of India the point raised by Mr. Chengalaraya Reddy.

Mr. KADIDAL MANJAPPA GOWDA referred to the possibility of a British Indian subject having cause of action against a Mysore subject who owned no business or other property in Mysore State, and enquired what was the remedy open to the former in such a case.

The PRESIDENT replied that in such cases there would probably be no cause of action at all.

Mr. KADIDAL MANJAPPA GOWDA enquired what remedy was open if a subject of Mysore State had cause of action against a British Indian subject who did not possess immovable property in Mysore or own any business within the State.

The PRESIDENT explained that if there was no property there could be no effective remedy at all. As a matter of fact, no remedy which already existed was going to be taken away. On the other hand, a new remedy was going to be provided now.

Mr. T. S. RAJAGOPALA IYENGAR thought that sufficient reciprocity was not going to be provided even under the amended Act. For, while a Mysore subject could sue the Government of Mysore after merely issuing a notice and waiting for some time, he could not do so against the Government of India because a special certificate was going to be insisted upon.

The PRESIDENT stated that in other circumstances the suit might be a long-drawn affair as questions of jurisdiction would probably be raised. The point to be borne in mind was that the Government of India had to enter into contracts or agreements in connection with certain industrial undertakings, as for instance, the Air Craft Company in which they had a share. For that reason they had suggested the amendment of the law. Government had been advised that even without the proposed amendment, the Government of India could still exercise that right. It was only by way of abundant caution that Government were trying to make things clearer. After all, no question of prestige was involved and no existing right was going to be sacrificed by amending the Act as now proposed.

Mr. T. S. RAJAGOPALA IYENGAR said that in that case the amending bill was altogether superfluous. He was personally of the opinion that if in the case of suits against the Government of India filed in a competent court in Mysore, permission of the Government of India was made compulsory, the same restriction should also apply to suits filed by the Government of India or by British Indian subjects in Mysore Courts. Otherwise, he said, Sections 84 and 86 would not be similar.

The PRESIDENT, however, did not agree with the member.

Mr. A. V. RAMANATHAN explained that even now, where a private individual wanted to sue a foreign Government, permission of the local Government was necessary. That was a recognised principle of international jurisprudence and there was nothing new in it.

The PRESIDENT observed that members did not appear to have anything more to say about the bill. It was after all a formal bill and he hoped that the House would have no objection to its being passed.

The principles of the bill were then put to vote and passed unanimously.

8. Bill to amend the Mysore Railways Act IV, of 1894.

The SECRETARY to GOVERNMENT for RAILWAYS (Mr. M. G. Mehkri) explained the principles of the bill as follows :—

Sections 68, 112 and 113 of the Indian Railways Act, 1890, relating to persons travelling without tickets or passes, etc., have been amended by the Indian Railways (Amendment) Act,

No. IV of 1941, which having received the assent of the Governor-General on the 17th March 1941, is now the law in British India.

This amendment is operative on the Bangalore-Harihar and Yesvantapur-Hindupur (frontier) sections, the jurisdiction over which rests with the Imperial Government.

In regard to the other sections of the Mysore State Railway, over which the jurisdiction rests with the Mysore Government, corresponding sections of the Mysore Railways Act, *viz.*, 52, 94 and 95 are proposed to be amended so as to bring them in line with the corresponding sections of the British Indian Act, as it is considered desirable to have uniform laws on all the sections of the Railway in the interests of Railway administration, and thus check ticketless travel

Mr. F. C. DEVARAJ URS said that the amendment that was now proposed by Government was very good. But he wanted to know why even after the transfer of administrative jurisdiction over the Bangalore-Harihar and Yesvantapur-Hindupur lines to the Mysore Government, the jurisdiction was still allowed to vest with the Imperial Government. The lines belonged to the Government of Mysore, the rolling stock belonged to it, and all the employees of the Railways were its subordinates. This being so, he requested Government to take all the necessary steps to get the entire jurisdiction over the lines transferred to them as early as possible.

The PRESIDENT explained that steps were being taken in that direction.

Mr. F. C. DEVARAJ URS wanted to assure Government through the President that they could count upon the best co-operation of the House in regard to this matter.

Mr. K. CHENGALARAYA REDDY was also surprised to hear that the jurisdiction was still vesting with a foreign Government when the lines themselves had been resumed long ago. The management was taken over in 1938, but the members of the House were not aware that the transfer was subject to such reservations. It was a very anomalous position so far as the Mysore Government was concerned and they should do everything necessary to regain full and absolute control over the State Railway.

The PRESIDENT replied that he shared the view that the position was somewhat anomalous. He stated that when the management was arranged to be taken over in 1938 it was expected that full jurisdiction over the Railway lines would be given back. Subsequently, however, it was found that that was not the case and the question was still under correspondence with the Government of India. Government agreed that full jurisdiction over the lines should be taken over as early as possible since two Governments could not exercise jurisdiction over one and the same concern.

Mr. K. HANUMANTHIAH asked what the nature of the difficulty was, in the way of handing over absolute control over the lines in question.

The PRESIDENT replied that was exactly what Government wanted to know from the Government of India.

Mr. K. CHENGALARAYA REDDY stated that the House would give its support to this bill only tentatively, since the amendment would no longer be necessary as a permanent measure when the State Government took over complete jurisdiction over the railway lines in question.

The PRESIDENT said that he fully appreciated this view-point.

Mr. K. CHENGALARAYA REDDY added that even in the Central Assembly when the question of the ticketless travel came up for discussion, there was a very lengthy debate. There was no doubt that ticketless travel should be discouraged, but he was of opinion that a punishment of three months imprisonment would be too much even as a maximum. He therefore suggested that it must be reduced.

The principles of the bill were thereupon put to vote and passed unanimously.

9. Bill to amend the Mysore Debt Conciliation Act, 1937.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT

(Mr.V. Vedavyasacharya) explained the principles of the bill as follows :—

The scheme of Debt Conciliation was introduced into six taluks with effect from July 1938 and the reports of the working of the scheme showed that the results were not appreciable. Various defects and omissions in the scheme were also brought to the notice of Government and several suggestions for the improvement of the law in the matter were made in the Representative Assembly. In these circumstances, Government placed Mr. B. K. Ramakrishnaiya, M.A., LL.B., on special duty to examine the working of the scheme in all its aspects and submit a report indicating the defects, if any, and suggesting the lines on which action might be taken, so that the object of the scheme might be realised in a fuller measure.

The Special Officer submitted an exhaustive report on which Government passed orders in Government Order No. 7219-68—L. R. 323-39-42, dated the 24th April 1941. With a view to implement the decisions arrived at by Government in the above order, it is proposed to amend the Debt Conciliation Act on the lines indicated in the bill hereto appended.

Among the amendments proposed, the following are the more important :-

1. Clause 2 of the bill provides for taking out of the purview of the Act, claims in respect of maintenance.

2. Clauses 5 and 6 of the bill provide for safeguards against indifference on the part of debtors in prosecuting cases before the Debt Conciliation Boards against the abuse by unscrupulous debtors of the provisions of section 26 and the right to file successive applications and also against attempts made by debtors to defraud creditors by alienating their properties before applying to the Debt Conciliation Boards for relief.

3. In clause 7 of the bill, provision is made for strengthening the element of compulsion by providing that when an agreement is arrived at between the debtor and the creditors to whom more than 50 per cent of the debts are due, the Board may pass an order that the other creditors also should accept an offer made by the debtor if in the opinion of the Board such offer is a fair one.

4. In clause 8, a new section is proposed to be added providing for secured creditors retaining their security in respect of the amounts due to them, although they may have agreed to a settlement.

The other amendments are of a minor character.

Mr. K. CHENGALARAYA REDDY said that this was a very important bill requiring considerable study on the part of the members. He requested that it may be taken up for discussion a few days later.

It was agreed that the consideration of the bill be taken up on Monday the 6th October 1941.

10. The Mysore Insolvency (Amendment) Bill.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr. V. Vedavyasacharya) explained the principles of the bill as follows:—

Section 53 of the Mysore Insolvency Act does not contain any provision to indicate whether the period of two years within which voluntary transfers are liable to be set aside, should be computed from the date of the presentation of the petition for insolvency or from the date of adjudication.

In British India, the Provincial Insolvency Act has been amended in 1930 and it has been provided in that Act that the period should be computed from the date of petition.

Representations have been made that this section of the Mysore Insolvency Act should be similarly amended. The High Court, who were consulted in the matter, have expressed the opinion that the change suggested is advantageous and proper.

Section 59 (A) of the British Indian Provincial Insolvency Act, which was added in 1926, enables a court to examine third persons who could give information respecting the insolvent or his dealings or property, in a comparatively inexpensive manner.

It has been considered desirable to have a similar provision in the law in Mysore. The High Court have also given their opinion that such a section may with advantage be incorporated in the Mysore Act.

The proposed bill is intended to give effect to these suggestions.

Mr. T. S. RAJAGOPALA IYENGAR stated that the bill was quite necessary and might be passed.

The principles of the bill were put to vote and passed unanimously.

11. Bill to amend the Mysore Factories Act, 1936.

The SECRETARY to GOVERNMENT, DEVELOPMENT DEPARTMENT (Mr V. Vedavyasacharya) explained the principles of the bill as follows :—

At present, the provision of the Mysore Factories Act and the rules thereunder are made applicable only to factories employing 20 or more workers and using power. It is noticed that there are a number of power factories employing 10 or more workers which are working under unsatisfactory conditions. It has also come to notice that child labour is being employed in most of these factories without restriction on working hours. No action has been possible in the case of such factories as they do not come within the definition of a "factory" as at present laid down in section 2 (j) of the Act.

The Royal Commission on Labour drew attention to the desirability of regulating the working of power factories not coming within the scope of the Factories Act, particularly in respect of matters relating to health, safety and working hours of employees. They also pointed out that the age and hours of labour of children in such factories were unregulated.

The bill is designed to prevent the exposure of adolescent and adult workers and children to the risk of exploitation and employment, in unhealthy and dangerous conditions, in power factories not subject at present to the Factories Act, by bringing all such factories within the scope of the Act. It may be mentioned in this connection that the Indian Act has been suitably amended to bring all power factories employing 10 or more workers within the purview of the Act.

Mr. K. CHENGALARAYA REDDY wanted to know the reason why sub-section (3) of section 5 of the Act should be omitted.

The MINISTER for LAW (Rajaseva-prasakta A. V. Ramanathan) explained that if a concern employed 20 or more workmen, it would come under it in the usual course. The object of the amending bill was that even a concern which employed less than 20 workmen could be declared to be a factory if Government were satisfied that due to some special reasons their interference was called for. If that general principle was agreed to, omission of section 5 (3) would become a consequential amendment.

Mr. T. SIDDABASAPPA thought that the minimum number of 20 was quite all right and that the amendment reducing the limit to 10 was not called for.

Mr. N. RAMA RAO expressed his surprise at the enormous powers that Government proposed to assume under section 5 (3). They could, by a mere notification in the *Gazette*, declare any concern, however small, to be a factory, irrespective of the minimum number of workers therein. He wondered whether this or any other Government had taken such an unlimited power whether under this or any other law.

Mr. A. V. RAMANATHAN explained that it was not all concerns that could be declared to be factories, even in future. It was necessary that they should be engaged in manufacturing process.

Mr. N. RAMA RAO said that that did not improve matters in any sense. "Manufacture" meant "hand made," and, at that rate, even the preparation of eatables could be considered as involving a process of manufacture.

The PRESIDENT stated that in such cases the powers conferred by this law could not be invoked.

Mr. N. RAMA RAO fully agreed with that view. But Government could not

be sure that nobody would take the view suggested by him. Generally speaking, such undefined powers were apt to be abused and for that reason, the amendment was dangerous.

Mr. KHAJI SYED YUSUF SAHIB suggested that instead of 'Less than 10 workers' in section 5 (3) it should be 'not less than 10 workers.'

Mr. JATHARE NAIK supported this view.

The PRESIDENT explained that the section would remain quite the same as before, except for the substitution of the figure '10' for '20.'

Mr. M. ABDUL AZIZ enquired if the Act would apply to places where sweets, etc., were manufactured in municipalities.

The PRESIDENT replied in the negative.

Mr. S. I. MUMTAZ also was of opinion that Government were proposing to assume unlimited powers under the proposed amendment. Even the condition that concerns worked by electric power were alone going to be treated as factories was not stipulated. Even if the number of employees was less than 10, Government might simply issue a notification and declare any concern to be a factory. Such an unrestricted power was unheard of, and a responsible House of Legislature like the Representative Assembly would not be justified in lending support to a proposal to place such powers in the hands of the Government. At that rate, in Channapatna, for example, every House could easily be declared as a factory and all the workers brought under the operation of the Act. He was definitely opposed to the amendment of section 2 as proposed.

Mr. Bhupalam R. CHANDRASEKHARAYYA stated that if the words 'with or without the aid of power' occurring in the sub-section were deleted, he would have no objection to the amendment being passed.

Mr. A. V. RAMANATHAN observed that he was somewhat surprised at certain members remarking that legislation similar to this was not in vogue in any part of the world and he would assure those members that similar legislation did exist in British India. In the opinion of some others, the powers in question were too vast; all the same, they were powers vested in other Governments already. The only change now proposed was to *substitute* '10' for '20.' Further, it was not meant to apply to all concerns, but only to those which, in the opinion of Government, required to be declared as factories in specific cases and for specific purposes. Thirdly, manufacturing process must be involved: and what exactly was meant by "manufacturing process," had also been clearly defined. After all, it was designed to do good to the employees themselves and not merely to place some extra powers in the hands of Government. In these circumstances, he noted that unanimous support would be given to the bill by the House.

Mr. JATHARE NAIK observed that in the beginning the law might work all right, but as time went on, subordinate officials might get it applied even to grocers' shops.

Mr. A. V. RAMANATHAN replied that there was no reason to think that things were going to be so bad as that. After all, a provision like this existed in similar Acts in British India even when Mr. N. Rama Rao, who seemed opposed to the amendment under discussion, was Director of Industries and Commerce in Mysore.

Mr. N. RAMA RAO stated that the particular section to which he had objected was not in existence when he was Director of Industries and Commerce.

The PRESIDENT assured Mr. Rama Rao that it was. However, if practical difficulties were experienced in the working of the Act, it could be suitably modified later on.

The principles of the bill were thereupon put to vote and passed unanimously.

GENERAL.

Mr. S. C. MALLIAH, at this stage, requested that as both the days originally meant for private business, had already been taken up for Government business, the session be extended

correspondingly, the last two days being set apart for representations.

The PRESIDENT replied that the suggestion would be noted.

Mr. K. HANUMANTHIAH enquired when the constitution of the House Committee would be completed and helped to begin to function.

The PRESIDENT replied that, in addition to the elected members, he had requested the Minister for Education to be Chairman, and Messrs. N. Rama Rao and F. C. Devaraj Urs to be additional members of the House Committee. If they agreed and if the Chairman called for a meeting, the Committee would begin to function almost immediately.

At 5-10 p. m. the House rose for the day to meet again at 12 noon on Monday, the 6th of October 1941.